



Information for Athletes Regarding Discretionary Penalties (DP)

When the jury has discretion to decide the appropriate penalty for a breach, the penalties may range from a zero penalty to disqualification. However, the following guidelines will be observed in assessing penalties. If the jury decides that a penalty greater than DSQ is appropriate, then they will consider initiating action under rule 2 or rule 69.

Penalties are divided into 5 bands:

- Band 0 – zero penalty
- Band 1 – 0 -10% (mid point 5%)
- Band 2 – 10-30% (mid point 20%)
- Band 3 – 30-70 (mid point 50%)
- Band 4 – DSQ/DNE

Questions to be considered when deciding the appropriate initial penalty band include:

- (a) Did the breach compromise the safety of competitors or race organizers?
- (b) Did the boat gain a competitive advantage through her breach?
- (c) Could the breach bring the sport or the organization into disrepute?
- (d) Did the breach result in damage or injury?
- (e) Was anybody inconvenienced?

The following questions are then asked to determine if there is cause to increase or decrease the band or to maximise/minimise the penalty within the band.

- (f) Was the breach deliberate?
- (g) Was there a good reason or justification for the breach?
- (h) Was there any attempt to conceal the breach?
- (i) Was the breach a careless or cavalier disregard of the rules?
- (j) Has the breach been repeated?
- (k) Was the breach reported by the competitor?

The following principles are then used to apply the penalty.

- Any penalty must exceed any likely gain.
- A discretionary penalty would not normally make a boat's score worse than retirement or disqualification.
- Percentages penalties are calculated and then rounded up or down to a whole number of points.
- If a fleet is split into groups, the calculation is based on the group size.
- When a breach affects more than one race in a day but it is appropriate to penalise in one race only, the penalty should be applied to either the first race of the day or to the race nearest the incident.

If competitors realise they have broken a rule that is subject to discretionary penalties, they should report to the Jury where they will be asked to complete a form describing the breach. The Jury will then propose a penalty that a boat may accept without a hearing.

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